HOUSE OF ASSEMBLY

NEWFOUNDLAND AND LABRADOR

ANNUAL REPORT

OF

THE COMMISSIONER OF MEMBERS' INTERESTS

1998-99

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COMMISSIONER OF MEMBERS' INTERESTS

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November 1st, 1999

Honourable Lloyd Snow
Speaker
House of Assembly
Main Floor, East Block
Confederation Building
St. John's, NF

Dear Speaker:

Pursuant to Section 35 of the House of Assembly Act - Part II Conflict of Interest, I am pleased to present the 1998-99 Annual Report of the Commissioner of Members' Interests covering the period April 1, 1998 to March 31, 1999 for tabling in the Legislature.

Sincerely yours,

Robert J. Jenkins

Robert J. Jenkins, L.V.O.
Commissioner of Members' Interests

Annual Filing Requirement Of Members Of The House Of Assembly

On March 3, 1998, I wrote each of the 48 members informing them of the requirement under Section 36(1) of the legislation that they file an annual disclosure statement by April 1, 1998. I am pleased to report that all members complied in filing their annual disclosure. However, as also referenced in my previous annual report, several members were tardy in submitting their disclosure statement by the prescribed deadline of April 1,1998. I am confident that in each case of late filing there was no intention by the member to avoid a conflict of interest. Their late filing appeared merely to be an oversight requiring that I write them again to remind them of their obligations.

The Public Disclosure Statement of each member, prepared by the Commissioner from the information contained in the member's annual disclosure, was then placed on file at the Commissioner's office for public inspection.

Meeting With Members

It has been my practice to meet with members at their personal request or as I might deem necessary. Throughout the reporting period I have met on a number of occasions with individual members at their request to provide advice and direction in an informal manner. I am appreciative of members cooperation on such occasions and of their desire to ensure compliance with the conflict of interest provisions of the legislation.

Commissioner's Opinion On Referred Question By The Honourable The Premier

On December 2, 1998, I received a letter from the Honourable the Premier pursuant to Section 42(4) of the House of Assembly Act - Part II Conflict of Interest, requesting that I conduct an inquiry into certain alleged activities of the Honourable Beaton Tulk as a Cabinet Minister, and members of his staff. Specifically, I was asked to determine if Mr. Tulk or any member of his staff had breached any conflict of interest obligation under Part II of the said Act in relation to dealings with Mr. John Woodrow and the Newfoundland & Labrador Paralegal Training Institute.

Minister Tulk resigned as a Cabinet Minister pending the outcome of the requested inquiry. On December 7, 1998, I was advised by the Director of Public Prosecutions that an investigation was being conducted by the RCMP into the subject matter of the inquiry. Such being the case, I advised the Premier that, pursuant to Section 43(4) of the House of Assembly Act - Part II Conflict of Interest, I could not proceed with my inquiry pending the final disposition of the police investigation.

On March 18, 1999, I was advised by the RCMP that their investigation was completed into allegations made against Minister Tulk and his political staff and that it had been determined there was insufficient evidence to warrant charges. Accordingly, I then commenced my inquiry into the allegations. On April 26, 1999, I submitted my report directly to the Premier outlining that the allegations against Minister Tulk, in his capacity as a Minister of the Crown, were found to be unsubstantiated with no breach of the relevant legislation having occurred.

It is my understanding that, on the date I submitted my report to the Premier (i.e. April 26, 1999) he appropriately tabled its contents in the House of Assembly for the information of honourable members. Mr. Tulk was subsequently sworn in as Minster of Development and Rural Renewal, the portfolio he vacated pending the outcome of the inquiry.

Provincial General Election of February 9, 1999 (Filing Requirement)

With the holding of a Provincial General Election on February 9, 1999, every member was required to file with the Commissioner a disclosure statement in the form prescribed by the regulations, within 60 days of being elected, in accordance with Section 36(1) of the legislation.

Following their Official Swearing In on March 15, 1999, I wrote each member informing them of their obligation under Section 36(1) of the Act to file a disclosure statement by May 15, 1999. As this report covers the period April 1, 1998 to March 31, 1999, I will subsequently comment in my next Annual Report on the outcome of the May 15, 1999 filing deadline for members elected in the February 9, 1999, General Election.